

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: COLOPLAST CORP. PELVIC SUPPORT
SYSTEMS PRODUCTS LIABILITY LITIGATION

MDL No. 2387

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 55

(Revised Short Form Complaint and Amended Short Form Complaint
re: Addition of Neomedic Entities and Removal of Ethicon, LLC)

I recently entered a PTO in the Ethicon MDL dismissing Ethicon, LLC pursuant to the agreement of the parties. In addition, with the assignment of the Neomedic MDL by the Judicial Panel on Multidistrict Litigation, MDL 2511, four Neomedic entities have been added to the Short Form and Amended Short Form Complaints. As a result, attached are a **revised** (1) Short Form Complaint (Exhibit A); and a **revised** (2) Amended Short Form Complaint (Exhibit B) that reflect the above revisions to the Short Form and Amended Short Form Complaints in this MDL.

It is **ORDERED** as follows:

- (1) While PTO ##s 10, 13, 15, 29, and 37 remain in force and effect where applicable, parties filing Short Form Complaints in new cases or Amended Short Form Complaints in existing cases, where appropriate, **must use the revised forms attached to this PTO and located on the court's website beginning no later than June 5, 2014.**

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2387 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:14-cv-17016. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: May 29, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

- B. Coloplast Corp.
- C. American Medical Systems, Inc. (“AMS”)
- D. Ethicon, Inc.
- E. Johnson & Johnson
- F. Boston Scientific Corporation
- G. C. R. Bard, Inc. (“Bard”)
- H. Sofradim Production SAS (“Sofradim”)
- I. Tissue Science Laboratories Limited (“TSL”)
- J. Cook Incorporated
- K. Cook Biotech, Inc.
- L. Cook Medical, Inc.
- M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- N. Neomedic International, S.L.
- O. Neomedic Inc.
- P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other: _____

A. Paragraphs in First Amended Master Complaint upon which venue and jurisdiction

lie:

B. Other allegations of jurisdiction and venue

[Redacted area]

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- A. T-Sling-Universal Polypropylene Sling;
- B. Aris-Transobturator Sling System;
- C. Supris-Suprapubic Sling System;
- D. Novasilk-Synthetic Flat Mesh;
- E. Suspend-Tutoplast Processed Fascia Lata;
- F. Exair-Prolapse Repair System;
- G. Axis-Tutoplast Processed Dermis;
- H. Restorelle;
- I. Smartmesh;
- J. Omnisure;
- K. Minitape;
- L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
- M. Non-Coloplast Mesh Product(s) known as _____; and/or
- N. Other: _____

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- A. T-Sling-Universal Polypropylene Sling;

- B. Aris-Transobturator Sling System;
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- H. Restorelle;
- I. Smartmesh;
- J. Omnisure;
- K. Minitape;
- L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
- M. Non-Coloplast Mesh Product(s) known as _____;
- N. Other: _____

10. Date of Implantation as to Each Product

11. Hospital(s) where Plaintiff was implanted (including City and State)

12. Implanting Surgeon(s)

13. Counts in the Master Complaint brought by Plaintiff(s)

- Count I - Negligence
- Count II - Strict Liability – Design Defect
- Count III - Strict Liability – Manufacturing Defect
- Count IV - Strict Liability – Failure to Warn
- Count V - Strict Liability – Defective Product
- Count VI - Breach of Express Warranty
- Count VII - Breach of Implied Warranty
- Count VIII - Fraudulent Concealment
- Count IX - Constructive Fraud
- Count X - Discovery Rule, Tolling and Fraudulent Concealment
- Count XI - Negligent Misrepresentation
- Count XII - Negligent Infliction of Emotional Distress
- Count XIII - Violation of Consumer Protection Laws
- Count XIV - Gross Negligence
- Count XV - Unjust Enrichment
- Count XVI - (By the Spouse) – Loss of Consortium
- Count XVII - Punitive Damages
- Other (please state the facts supporting this Count in the space, immediately below)

s/

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Coloplast Corp.,
Pelvic Support System Products Liability Litigation
MDL No. 2387
Civil Action No. [REDACTED]*

AMENDED SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2387 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

[REDACTED]

2. Plaintiff Spouse

[REDACTED]

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

[REDACTED]

4. State of Residence

[REDACTED]

5. District Court and Division in which venue would be proper absent direct filing

[REDACTED]

[REDACTED]

6. Defendants (Check Defendants against whom Complaint is made):

A. Mentor Worldwide LLC

- B. Coloplast Corp.
- C. American Medical Systems, Inc. (“AMS”)
- D. Ethicon, Inc.
- E. Johnson & Johnson
- F. Boston Scientific Corporation
- G. C. R. Bard, Inc. (“Bard”)
- H. Sofradim Production SAS (“Sofradim”)
- I. Tissue Science Laboratories Limited (“TSL”)
- J. Cook Incorporated
- K. Cook Biotech, Inc.
- L. Cook Medical, Inc.
- M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
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10. Date of Implantation as to Each Product

11. Hospital(s) where Plaintiff was implanted (including City and State)

12. Implanting Surgeon(s)

s/

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

